

KELLY, SUTTER & KENDRICK, P. C.
ATTORNEYS AT LAW

3050 POST OAK BLVD., SUITE 200
HOUSTON, TEXAS 77056-6570
2848

TELEPHONE (713) 595-6000
FACSIMILE (713) 595-6001

December 1, 2015

Judge Keith P. Ellison
United States District Judge
515 Rusk Avenue, Room 3716
Houston, Texas 77208

Via Hand Delivery

Re: C.A. No. 04:09-cv-02556; *North Cypress Medical Center Operating Co., Ltd. and North Cypress Medical Center Operating Co. GP, LLC v. Cigna Healthcare and Connecticut General Life Insurance Company*; In the United States District Court for the Southern District of Texas, Houston Division

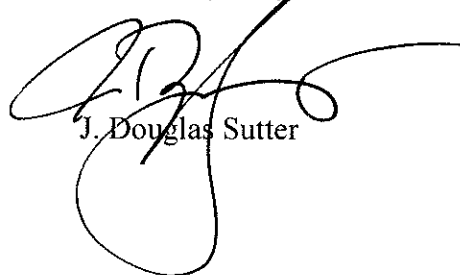
Dear Judge Ellison:

Per the Agreed Scheduling/Docket Control Order (Dkt. 425), the Plaintiffs, North Cypress, provide you with a copy of the Report of Glenda M. Tankersley Dated December 1, 2015, regarding the calculation of Plaintiffs' damages. Pursuant to this Court's previous instructions, the Court will now decide whether the Defendants, Cigna, are entitled to depose Mrs. Tankersley *before or after* they serve upon North Cypress their rebuttal expert report from Dr. May regarding the calculation of Plaintiffs' damages.

North Cypress takes the position, as is usual in Docket Control and Scheduling Orders in the Southern District, that the Defendants be required to provide their expert report *before* Mrs. Tankersley is deposed, that is, now, *after* receiving the Plaintiffs' expert report. (*The Court will recall that Cigna has already deposed Mrs. Tankersley in this case for 14 hours over a two-day period.*) Cigna was not provided this unusual permission with regard to this Court's previous Docket Control Order in effect before the Court's rulings on the parties' dispositive Motions in 2013.

Therefore, *after* Dr. May's report is provided, then the parties should take each other's respective experts' depositions as previously ordered by the Court.

Yours very truly,


J. Douglas Sutter

JDS/pp
Enclosure

December 1, 2015

Page 2

cc: Honorable David Bradley
United States District Clerk

Via Electronic Filing (*Letter Only*)

Joshua B. Simon

**Via Email and *Certified Mail/RRR*;
w/Attachment**

Alan W. Harris

Via Email w/o Attachment

William Pratt

Via Email w/o Attachment

Warren Haskel

Via Email w/o Attachment

Richard Nicholson

Via Email w/o Attachment

Frank Holozubiec

Via Email w/o Attachment